

**REMARKS**

The present amendment is prepared in accordance with the requirements of 37 CFR 1.121.

Applicant appreciates the thoroughness with which the Examiner has examined the above-identified application. Reconsideration is requested in view the election of claims herein. Applicant elects, without traverse, Invention II (per Examiner Dang Le's Notation in last Office Action mailed 5/27/2009) with Claims 25-50 reading thereon, as an apparatus to transfer torque magnetically with fixed relative position. Claims 1-25, 51 and 52, as amended, per LIE's Notice mailed on December 1, 2009, are withdrawn without prejudice or disclaimer.

## CONCLUSION

Attached hereto is a marked-up version of the changes made to the claims, specifically, the renumbering of the duplicate numbered claims number 16 and 17 to claims 51 and 52, respectively. The attached page is captioned “**VERSIONS WITH MARKINGS TO SHOW CHANGES MADE**”.

It is noted that the election of claims to be examined is made only to more completely define the invention and place them in a better form for examination based on Examiner’s comments. No new matter has been added.

In view of the foregoing, it is respectfully submitted that the application has now been brought into a condition where examination is proper.

Since the USPTO-PAIR system has not provided a PDF copy of the subject Notice of Non-Compliant Amendment mailed on December 1, 2009 in the Image File Wrapper (only provided title in ‘Transaction History’ section), as of this date, the undersigned counsel has scanned the paper copy of said Notice received via US Mail, and submitted said Notice attached herewith for the electronic record.

Should the Examiner find the application to be other than in condition for examination, Applicant’s Attorney respectfully requests that the Examiner call the undersigned to clarify any issue.

Date: December 31, 2009.

Serial No. 10/591,366

Respectfully Submitted,

/Steven J. Miller/

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I hereby certify that this correspondence, including the attachments listed on the accompanying Transmittal, is being uploaded via USPTO-EFS system on the date indicated above and is directed to the Commissioner of Patents, Mail Stop Amendment, PO Box 1450, Arlington, VA 22313-1450.

Steven J. Miller, Esq.

(Typed or printed name of person filing paper or fee)

/Steven J. Miller/

(Signature of person filing paper or fee)

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

~~16.~~ 51. The apparatus according to claim 14 in which the primary rotary member's electroconductive material is made of aluminum and its alloys.

~~17.~~ 52. The apparatus according to claim 14 in which the primary rotary member's electroconductive material is supported by laminated pieces of ferrous material each electrically separated from one another by a suitable electrical insulating material.